

Exclaves

Honoré M. Catudal

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Résumé de l'article

Les problèmes soulevés par la fragmentation territoriale sont particulièrement aigus dans les cas où une portion d'un État est complètement entourée par un autre État. Car l'exclave ou l'enclave — selon le point de vue sous lequel on se place — perturbe le fonctionnement interne du pays environnant en constituant un trou dans celui-ci et par ailleurs crée des difficultés pour l'État qui l'administre.

Bien que l'existence des exclaves et enclaves soit peu connue, il ne s'agit pas d'un phénomène rare. En fait, on compte deux fois plus d'exclaves (enclaves) dans le monde que d'États.

Ces territoires extraordinaires sont plutôt petits pour la plupart, et ne possèdent pas de populations très importantes. Ils sont constitués en majorité d'un seul village et de ses terres adjacentes : zones agricoles et petits jardins. Tous sont situés relativement près de la « mère patrie ».

Il est reconnu que le caractère minuscule de ces zones séparées et leur absence de rôle stratégique limite leur valeur militaire et politique. Néanmoins, elles font ressortir des problèmes de fragmentation territoriale et l'importance de la continuité territoriale. De plus, le traitement qui leur est accordé par les États comporte des implications importantes pour les chercheurs qui se demandent si oui ou non la « territorialité » des nations-états est vouée à disparaître.

EXCLAVES

by

Honoré M. CATUDAL

St. John's University, Collegeville, Minnesota, U.S.A.

I. INTRODUCTION *

The shape of a state has a great deal to do with its viability. Theoretically, the perfect shape of a country is a circle, with the capital located at or near the middle.¹ Although no modern state fits this geometric ideal, France comes closer than most. One distinct advantage in such compactness has to do with shorter boundaries in relation to the area of a country. Hence its relative vulnerability is reduced.

But compact shape represents only one extreme. And for the most part the lack of compactness is the general rule. On the other extreme is the elongated state. Chile and Norway, with their greatly stretched out profile, are but two politically significant examples. Although it is widely recognized that such extreme shape has a diminishing importance today (because the means of overcoming distance and physical obstacles is usually available), elongatedness nevertheless poses problems of defense and homogeneity. In particular, travel from one part to another may involve an expensive « foreign » journey.

While compactness and elongation represent two extremes in the typology of shape, there are other forms.² Not the least of these is the shape of the outlier — i.e., that projection of one state in another. One of the most

* This article is adapted from the author's doctoral dissertation done at the School of International Service (American University) in Washington, D.C. during 1972 and 1973. Acknowledgments are due to Durward V. Sandifer, William C. Cromwell and Nicholas G. Onuf for comments on the original manuscript. On-the-spot research was conducted in the Western European area. The investigation was made possible by a grant from the *Luftbrueckendank Stiftung* in West Berlin and a dissertation fellowship from the American University.

¹ VAN VALKENBURG, Samuel (1942) *Elements of Political Geography*. New York, Prentice Hall, Inc., p. 110.

² Usually, typologies of shape include such labels as « elongated, » « prorupt, » « compact, » « perforated » and « fragmented. »

important, if little known, types of outlier is the exclave (enclave). But there are many others.

The problems raised by territorial fragmentation are nowhere more acute than in instances where a portion of one state, completely surrounded by another, is found to exist. For the exclave or enclave — depending upon one's point of view — disturbs the internal functioning of the surrounding country by, as it were, puncturing a hole in its territory and creating difficulties as well for the administering state.

Although the existence of exclaves and enclaves is not well known, they are not uncommon phenomena. In fact, there are almost twice the number of exclaves (enclaves) in the world as states. More than three-fourths are located in a small corner of Asia (between India and Bangla Desh), only forty-one exist in Europe, and all of these are situated in the western part. One belongs to Spain and lies in the eastern Pyrenees of France. Two are located in the north and south of Switzerland and are attached to West Germany and Italy respectively. Finally, there is the conglomeration of thirty-eight Belgian and Dutch outliers around Baarle in the province of North Brabant in the Netherlands.

For the most part, these extraordinary territories are rather small, and they do not have large populations. They consist mainly of single villages and adjacent lands, farm areas and tiny garden plots. All are situated relatively near to the « motherland. »

It is recognized that the very diminutiveness of these disconnected areas and their lack of strategic significance limits their military and political value. Nevertheless, they do point up the problems of territorial fragmentation and the importance of territorial continuity. Moreover, the way in which states treat them has important implications for those scholars who debate whether or not the « territoriality » of the nation-state is bound to vanish.³

This investigation purports to test two central hypotheses : First, that exclaves are basically unstable phenomena in international relations. And second, that they are part of a discernible trend leading to the consolidation of state territory and the absorption of foreign enclaved bodies. Both of these propositions form the fundamental research orientation of this study and an attempt will be made to probe and elucidate them in systematic fashion.

³ In 1957, Professor John H. HERZ published an important article entitled the « Rise and Demise of the Territorial State, » which appeared in *World Politics*. Generally, it forecast that modern technology would lead to the demise of the nation-state as an international phenomenon. As a result of developments in the 1960s, however, he reconsidered this position. And in 1968 he published a cogent estimate of the continued viability of the nation-state in an article entitled « The Territorial State Revisited : Reflections on the Future of the Nation-State, » which appeared in *Palitry*, Vol. I (Fall, 1968), pp. 12-34.

II. TERMINOLOGY

Exclaves and enclaves are baffling phenomena. Undoubtedly, much of the confusion surrounding them stems from the failure to distinguish complete exclaves (enclaves) from other related areas. For this reason it is worthwhile to devote at least a little space to the exploration of terminology before any attempt is made to examine in detail specific ex- or enclave situations.

Exclaves (enclaves) have been confused with a wide-range of diverse politico-geographical phenomena. Most important here are those territories which, to one degree or another, are physically encircled by alien territory (e.g. divided states, land-locked countries, so-called « enclave » states, coastal territories and « neutral » zones.) In addition, there are those areas that have sometimes been classified as exclaves or enclaves based on the degree of their separation from the country to which they belong politically (e.g. so-called « pene » « quasi » « virtual » and « temporary » exclaves).⁴ Although these territories possess certain characteristics of true exclaves (enclaves), they entertain properties that raise serious questions as to their alleged status as complete exclaves or enclaves.



PAKISTAN BEFORE THE 1971 WAR: A "DIVIDED STATE"



BOLIVIA: "LAND-LOCKED" STATE

Figure 1

Figure 2

⁴ In the main, this classification scheme follows that outlined by Professor G. W. S. Robinson in 1959. Although it has little to do with true exclaves, the typology has been accepted at face value by many geographers. See for example MELAMID, Alexander (1968) *Enclaves and Exclaves*, in SILK, David L. (ed.), *International Encyclopedia of the Social Sciences*, N.Y., The MacMillan Co. and the Free Press., Vol. 5, pp. 60-1.

Divided States

Sometimes the smaller portion of a divided state is mistaken for an exclave (enclave).⁵ Take the case of Pakistan before the 1971 war with India, which resulted in the reduction in size and prestige of that bifurcated country as well as the creation of a new state — Bangla Desh (figure 1). At that time both parts of Pakistan were separated by approximately 1 000 miles of Indian territory; and the eastern section could only be reached by sea, a distance of some 3 000 miles. Dwarfed by the world's largest democracy, East Pakistan was not infrequently referred to as an enclave.⁶ But it should not be considered as such because it was not entirely surrounded by Indian territory.

Land-locked Countries

Often land-locked states are identified as exclaves or enclaves.⁷ Two pertinent illustrations of such entities bordering on several states are Switzerland and Bolivia (figure 2). Although these countries are marked off on all sides by politically foreign territory, they do not fall under the terms of our definition of an exclave (enclave) because they consist of unfragmented geographic units.

So-called « Enclave » States

Sometimes it is asserted that the existence of *enclaves* does not necessarily mean that they are also *exclaves*.⁸ In this connection, the City of the Vatican and San Marino are pointed to.⁹ Basically, the reasoning behind such a view may be summarized as follows: These states, it is said, are cases where « the territory of one state is entirely surrounded by another state. »¹⁰

⁵ For a useful discussion of the problems of divided states see POUNDS, Norman J. (1963) *Political Geography*. New York, McGraw-Hill Book Co., Inc., pp. 47-48. An informative article with the origins of partition is POUNDS, Norman J. (1964) History and Geography: A Perspective on Partition. *Journal of International Affairs*, Vol. 18, pp. 161-172.

⁶ See for example « India and Pakistan: Poised for War, » *Time*, December 6, 1971, pp. 28-35.

⁷ For an excellent analysis of the geographic characteristics of « land-lockedness » see EAST, W. Gordon (1960) The Geography of Land-locked States. *Institute of British Geographers, Transactions and Papers*, Vol. 28, pp. 1-22. Also interesting is DALE, Edmund H. (1968) Some Geographical Aspects of African Land-locked States. *Annals of the Association of American Geographers*, Vol. 58, pp. 485-505.

⁸ See KRENZ, Frank E. (1961) *International Enclaves and Rights of Passage*. Ph. D. Dissertation, Geneva, Switzerland, Graduate Institute of International Studies, pp. 20-21.

⁹ CALVO, Charles (ed.) (1885) *Dictionnaire de droit international public et privé*. Berlin, Puttkamer & Muehlbrecht, p. 291.

¹⁰ Consult FARRAN, C. d'Olivier (1955) International Enclaves and the Question of State Servitudes. *International and Comparative Law Quarterly*, Vol. 4, p. 295. Farran goes so far as to say that countries like Nepal and Bhutan, which have the « wall » of the Himalayas obstructing their exit in every direction except in that of India, might well be considered enclaves.

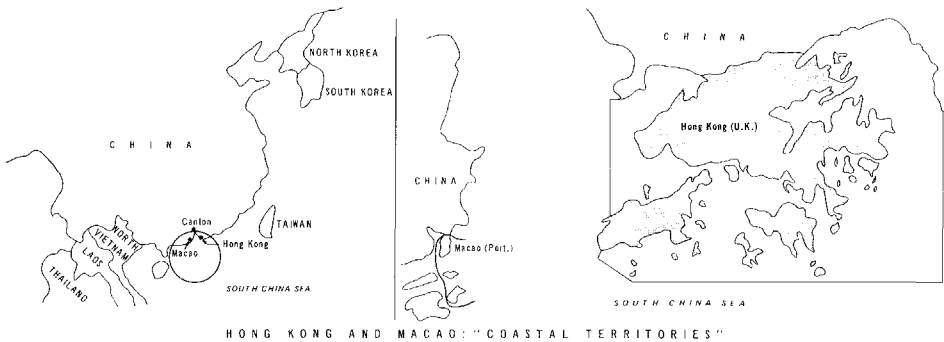
Hence, it is argued, they (San Marino and the Vatican) are *enclaves* of Italy, which is the host state. But because they are not detached portions of another country, they cannot be considered *exclaves*.

The above argument, it is submitted, is based on a false identification of enclaves (exclaves) with similarly encircled territory. Actually, it is precisely due to the unitary character of San Marino and the Vatican that they should not be seriously regarded as true exclaves or enclaves. A complete exclave (enclave) may never possess its own state personality. It is always subordinate to the country to which it belongs.

Coastal Territories

Frequently, coastal areas are taken for exclaves or enclaves as the case may be.¹¹ Generally, these are of three kinds. And they consist of regions along the sea coast of one state but administered by another. In the first category are colonies. Typical cases in point are Gibraltar,¹² controlling the entrance to the Mediterranean, and Hong Kong and Macao (figure 3), both of which are located on the tip of the Chinese mainland.¹³ In the second category are leaseholds. And a relevant example is Guantánamo Bay in Cuba.¹⁴ Finally, there are those political districts that are governed as integral parts of the country claiming jurisdiction over them. Falling into this category

Figure 3



¹¹ See for example ATWATER, Elton (1964) Enclave. *World Book Encyclopedia*. Chicago, Field Enterprises. Vol. 6, p. 21.

¹² For a penetrating look at this territory see CHANDLER, Robert W. (1971) International Law and the Dispute over Gibraltar. *Journal of International and Comparative Studies*, Vol. 4, pp. 79-103.

¹³ These coastal territories are examined at length in WALKER, E. A. (1944) *Colonies*. New York, Cambridge University Press.

¹⁴ The American point of view in regard to this area is contained in U.S. Department of Defense, *United States Naval Base: Guantánamo Bay, Cuba*. Statement of August 10, 1962.

are Ceuta and Melilla, which form part of Spanish North Africa.¹⁵ An important historical illustration is East Prussia, separated from the rest of Germany by the famous Polish Corridor between 1919 and 1939.¹⁶ All of these domains possess ties to a country far away. But they do not fit the exacting terms of our definition because they have their own sea coast.

So-called « Neutral » Zones

Occasionally, so-called « neutral » zones are described as exclaves or enclaves.¹⁷ These are political entities that have been created as a result of a boundary dispute and in which contending states have equal rights. Two of the most frequently cited cases are the territories located on the north-eastern boundary of Saudi Arabia in the Middle East.¹⁸ But also important is the little known « neutral ground » of Gibraltar (figure 4). This is an area

Figure 4



G I B R A L T A R : N E U T R A L Z O N E

¹⁵ For details about these territories consult ROBINSON, G. W. S. (1958) Ceuta and Melilla : Spain's Plazas de Saberaniá, *Geography*, Vol. 43, pp. 266-269. Also useful is « Ceuta and Melilla » in *The Middle East and North Africa*, 15th ed., London, Europa Publications, Ltd., pp. 627-629.

¹⁶ One of the best treatments of this problem appears in HARTSHORNE, Richard (1937) The Polish Corridor. *Journal of Geography*, Vol. 36, pp. 161-176.

¹⁷ For one of the best general discussions of so-called « neutral » zones see MELAMID, Alexander (1955) The Economic Geography of Neutral Territories. *Geographical Review*, Vol. 45, pp. 359-374.

¹⁸ Refer to POUNDS, Norman (ed.) (1964) *An Atlas of Middle East Affairs*. Rev. ed., New York, Praeger, Inc., p. 78.

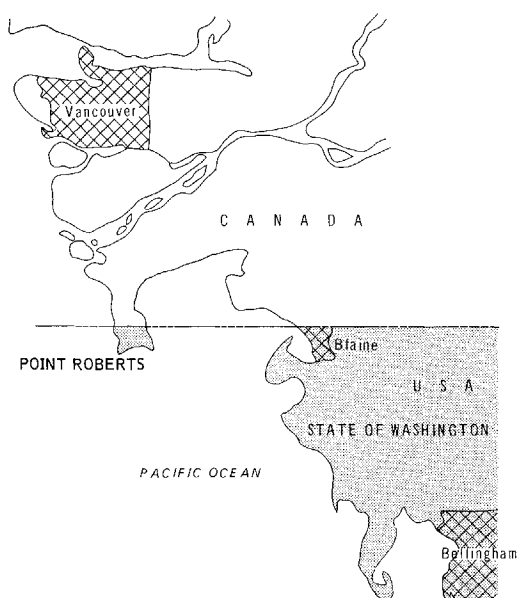
which consists of 230 acres and is located on the isthmus that connects the British « Rock of Gibraltar » with the Spanish mainland.¹⁹ Properly speaking, these political curiosities are known as « boundary condominiums. » Sovereignty is shared between two or more states and territorial discontinuity is not an essential element.

So-called « Pene-Exclaves »

These are « parts of the territory of one country that can be approached conveniently — in particular by wheeled traffic — only through the territory of another country. »²⁰ One author calls them « prorrptions. »²¹

A typical example is Point Roberts (figure 5).²² Consisting of an area of 4.1 square miles and a population of some 240 permanent inhabitants (1962 est.), this tiny portion of the State of Washington is situated on the tip of a peninsular projection of Canada above the 49th parallel. Although physical connections by water with Point Roberts are entirely within the sovereignty of the United States, land access is only possible through Canada.²³

Figure 5



POINT ROBERTS : AN AMERICAN " PENE EXCLAVE "

¹⁹ For the British point of view on this « neutral ground » see Great Britain, *Gibraltar Talks with Spain*. London, H.M.S.O., 1966, p. 62. For the Spanish viewpoint see Spain, *Negotiations on Gibraltar*. Madrid, Ministry of Foreign Affairs, 1968, pp. 428-429.

²⁰ ROBINSON, G. W. S. (1959) Exclaves. *Annals of the Association of American Geographers*, Vol. 49, pp. 283-295.

²¹ DE BLIZ, Harm J. (1967) *Systematic Political Geography*. New York, John Wiley & Sons, p. 46.

²² Another example of an American « pene-exclave » is the northern tip of Minnesota (Lake of the Woods Country), which is situated in Canada above the 49th parallel.

²³ For details see MINGHI, Julian V. (1962) Point Roberts, Washington — The Problem of an American Exclave. *Yearbook of the Association of Pacific Coast Geographers*, Vol. 24, p. 29.

So-called « Quasi-Exclaves »

Those areas, which for one reason or another do not function as true exclaves today, have been termed « quasi-exclaves. »²⁴ A typical example is the former Portuguese *Fort Sao Joao Baptista de Ajuda*, located at the City of Ouidah in what was once French West Africa. Juridically, this area — exactly one hectare in size — still belongs to Portugal. But in the beginning of August, 1961 the newly independent government of Dahomey, in a demonstration of national sentiment, expelled Portuguese troops and set fire to the fortification.²⁵ Since this time Ajuda has naturally not functioned as an exclave, and Portuguese protests to the contrary, it is now administered as an integral part of the Republic of Dahomey.

So-called « Virtual Exclaves »

These are territories that are treated as « exclaves » of a country of which they are not legally an integral part.²⁶ Most frequently cited illustrations are embassy grounds and structures, occupied by the diplomatic representatives of a foreign power. But other political areas falling in this category include : (a) the headquarters building of the United Nations in New York ;²⁷ (b) certain lands and buildings in and near Rome that belong to the

Figure 6



²⁴ See ROBINSON, G. W. S. (1959) Exclaves. *Annals of the Association of American Geographers*. Vol. 49, p. 283.

²⁵ *Archiv der Gegenwart*, Vol. 31 (1961), p. 9258C.

²⁶ Consult ROBINSON, G. W. S., *opus cit.*, p. 285.

²⁷ The status of the UN headquarters building in New York is examined in detail by LIANG, Yuen-li (1954) The Question of Access to the United Nations Headquarters of Representatives of Non-Governmental Organizations in Consultative Status. *American Journal of International Law*, Vol. 48, pp. 434-450.

Vatican City State ;²⁸ (c) The Swiss airport of Basel, located in France ;²⁹ and (d) the Soviet War Memorial in West Berlin (figure 6).³⁰ In the main, these areas represent the limited exercise of jurisdiction of one state within foreign territory. Because they do not belong territorially to the countries that occupy them, they are barred from any further consideration.

So-called « Temporary Exclaves »

These are political districts that are created « where what was one state has been divided by an avowedly temporary or provisional line »³¹ (e.g., an armistice line or an occupation zone that leaves « islands » of one zone within another). West Berlin and its territorial fragments are a prime example. Because of its immense size and prestige, this territory has been called « the most important exclave in the world. »³² Technically speaking, (enclaves).³³ (figure 7) They have a unique status which, in theory at least, embraces East Berlin and have no juridical justification except in that light.³⁴

In the foregoing, special effort was made to establish precise limits to the subject matter covered by the term exclave (enclave). By vigorously probing the individual circumstances of many exclave-like areas, we were

²⁸ The situation of these Vatican — administered areas is probed by TOSCHI, U. (1931) The Vatican City State from the Standpoint of Political Geography. *Geographical Review*, Vol. 21, pp. 529-538.

²⁹ This little known situation arose because no suitable area could be found on Swiss soil. Although France signed a treaty with Switzerland allowing it to use French territory for the airport, France retained sovereignty over the area. See WEIGERT, Hans et al. (1957) *Principles of Political Geography*. New York, Appleton-Century-Croft, p. 62.

³⁰ The legal status of the Soviet War Memorial in the British Sector of Berlin is unclear. And very little has been written about it. In 1946, it was erected in the form of a gate of honor and crowned with the bronze figure of a Soviet soldier. Following the construction of the infamous wall through Berlin in 1961, British soldiers fenced it off, as a retaliatory measure.

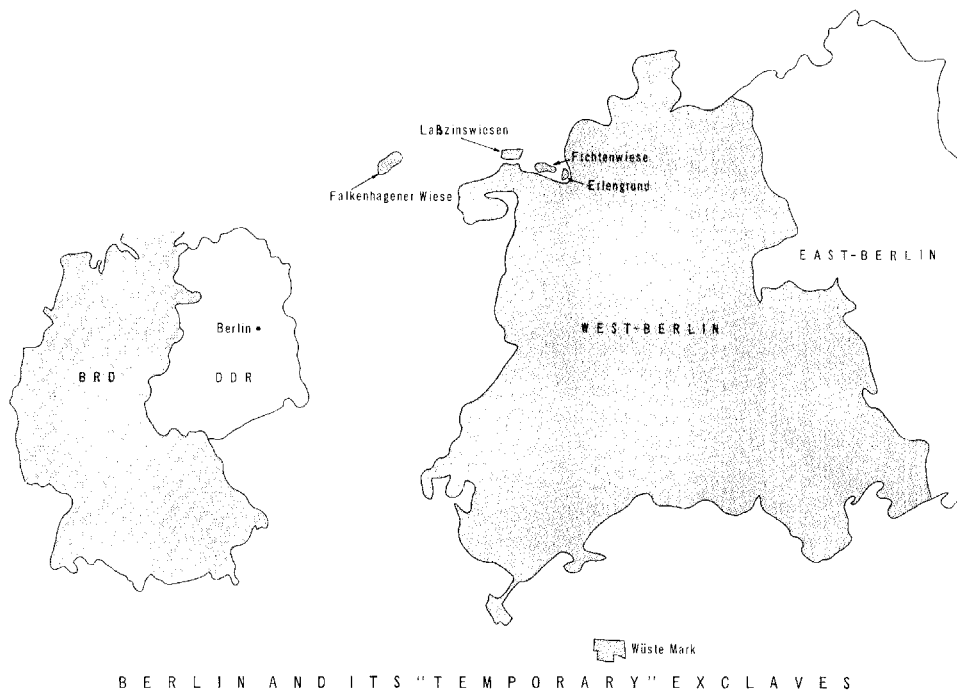
³¹ ROBINSON, G. W. S. (1959) Exclaves. *Annals of the Association of American Geographers*, Vol. 49, p. 285.

³² *Ibid.*

³³ The intemperate use of the term « exclave » by this writer in past articles when referring to West Berlin, Steinstuecken and other disconnected parts of the city is to be regretted.

³⁴ East and West Berlin and their territorial fragments together form a larger legal entity : « Greater Berlin. » The origin of the special status of « Greater Berlin » goes back to April 27, 1920, when it was incorporated out of eight towns, fifty-nine rural districts and twenty-seven farms. According to the agreement reached by the European Advisory Commission (EAC) on September 12, 1944, which fixed the post-war occupation zones of Germany and provided for the joint occupation and administration of the « special area of Greater Berlin, » the borders of the city were defined as those which had existed in 1920. The quadripartite agreement of Berlin, which was signed by the United States, the Soviet Union, Great Britain and France on September 3, 1971, recognized this situation and re-emphasized Four-Power responsibility for Berlin. It also provided for an exchange of territory and the realignment of some boundary areas.

Figure 7



able to determine how these externalities differed from the main thrust of this inquiry.

Definitions are inherently risky. But on the basis of the preceding discussion we should now be able to list the essential elements of an exclave or enclave. Technically, for an exclave (enclave) to exist it must be

- (a) part of one country,
- (b) completely surrounded by the territory of another state.

What is the difference between an exclave and an enclave? Seen from the point of view of the country in which it is physically located, it is an *enclave*. Whereas seen from the viewpoint of the state to which it belongs, it is an *exclave*. For all practical purposes then the only difference between the two is one's point of view.³⁵

III. HISTORY

« As an international phenomenon the enclave must be admitted to have possessed a considerable historical importance . . . »³⁶ If only for this

³⁵ Up to now the terms « exclave » and « enclave » have been used together to avoid confusion. However, now that we have a good grasp of the terminology, the words will hereafter be employed interchangeably. This is purely a matter of style and not emphasis.

³⁶ FARRAN, C. d'Olivier (1955) International Enclaves and the Question of State Servitudes. *International and Comparative Law Quarterly*, Vol. II, p. 294.

reason, it should be profitable to take a general look at the problem against the background of history. In view of the countless number of exclaves that existed in the past, no attempt will be made to describe each and everyone. Instead we shall try to shed some light on the overall complexity of the problem during various periods.

The first diplomatic document known to contain the word « enclave » was the Treaty of Madrid, which was signed in 1526.³⁷ But it is known that exclaves existed long before that time.

The greatest number of exclaves was present in Europe during the Middle Ages. In fact, a well-known feature of feudalism is that it produced a « patchwork » political map.³⁸ Discontinuous holdings were tolerated then because of the decentralized nature of feudal rule and warfare.

Most of these disconnected areas consisted of counties, marks, baronies, bishoprics, and free towns. Each was dominated by a local ruler who either by war, marriage, inheritance or purchase was always trying to enlarge his domain. Many of these settlements were virtually self-sufficient. They had to be because the cost of transportation was so high ; only goods of considerable value and little bulk were exchanged over distances of more than a few miles. As a consequence, most of these territories and their environs were surrounded by underdeveloped lands, cutting them off from their neighbors.³⁹

Access at this time was not the problem it became later. Due to the diversity of landholdings, sometimes strung out for miles, each local sovereign was aware that it was in his own interest to promote passage through the underdeveloped lands and between settlements. For if one petty ruler were suddenly to deny transit across his territory to his neighbor's he could expect retaliation in kind.

Generally, the Middle Ages in Europe saw feudalism evolve into absolute monarchy. (To be sure, there were kings in the feudal period just as there were noblemen under the monarchies.) And with it territorial decentralization gave way gradually to the consolidation of domains.

In the period following the Peace of Westphalia (1648), which is generally regarded as the turning point in the establishment of the contemporary state system, territorial discontinuity was most marked in Germany, although it also existed in France, the Netherlands and Geneva.

³⁷ MELAMID, Alexander (1968) Enclaves and Exclaves, in SILLS, David L, (ed.), *International Encyclopedia of the Social Sciences*. New York, The MacMillan Co. & The Free Press, Vol. 5, p. 61.

³⁸ JONES, Stephen B. (1959) Boundary Concepts in the Setting of Place and Time. *Annals of the Association of American Geographers*, Vol. 49, p. 247.

³⁹ ADAMS, G. B. (1910-11) Feudalism. *Encyclopedia Britannica*, 11th ed. Cambridge, U. Press, 11th ed., Vol. 10.

During the nineteenth century the rise of Prussia and the advance towards German unification were not unconnected with the large number of outlying portions of Prussian territory enclaved in the territory of other German principalities and *vice versa*.⁴⁰ In this respect, Frederick the Great, who made Prussia a major world power, was concerned primarily with « rounding out » his territory.⁴¹

During and after the crusades, exclaves existed in the eastern Mediterranean region. Presumably, they could be found elsewhere as well. Frequently, they were established along the coasts of Africa and Asia by imperial powers in search of new markets.

The penetration of India is a classic example of how the exclave pattern was laid down. Western bases were originally constructed along the coast of the subcontinent in the sixteenth and seventeenth centuries because Portuguese and French traders were in desperate need of permanent places where they could load and unload goods. At first, these trading posts consisted merely of a few houses, offices and storage facilities. But then, after these unprotected buildings were repeatedly broken into, a pretext existed for introducing small contingents of foreign troops. Soon thereafter, Portuguese and French forts sprung up in their place, and it was not long before Westerners were expanding their control over the surrounding country.

With the rise of a strong national state system, nations tended to consider the presence of all foreign bodies within their boundaries as a flagrant violation of their sovereignty. The newly emerging countries of Asia and Africa were unusually zealous in this regard. To a large degree, this was because these isolated territories served as unpleasant reminders of a colonial yoke. As a result, many such areas were physically annexed by the host state.

In Europe, territorial consolidation was virtually complete in all countries but Germany by the end of the Congress of Vienna.⁴² Although some exclaves were liquidated peacefully, apparently the most important factor in their extinction was the role of conflict, particularly after the Peace of Westphalia. For frequently, these discontinuous areas became inextricably involved in great power struggles. France, which openly pursued a belligerent course in international relations after 1648, probably represents the extreme case. Through various acts of conquest, intrigue and partition, it succeeded in considerably « rounding out » its territory. The element of

⁴⁰ Refer to ANCEL, J. (1936) *Les frontières, étude de géographie politique*. *Académie de Droit International, Recueil des Cours*, Vol. 55, p. 207.

⁴¹ See BARKER, J. Ellis (1916) *The Foundations of Germany*. London, Smith-Elder, pp. 233-234.

⁴² With the founding of the *Deutsches Reich* in 1871 many German exclaves were abolished.

conflict seems least important in the inner-German situation because the Holy Roman Empire provided a natural framework within which opposing interests could be reconciled.

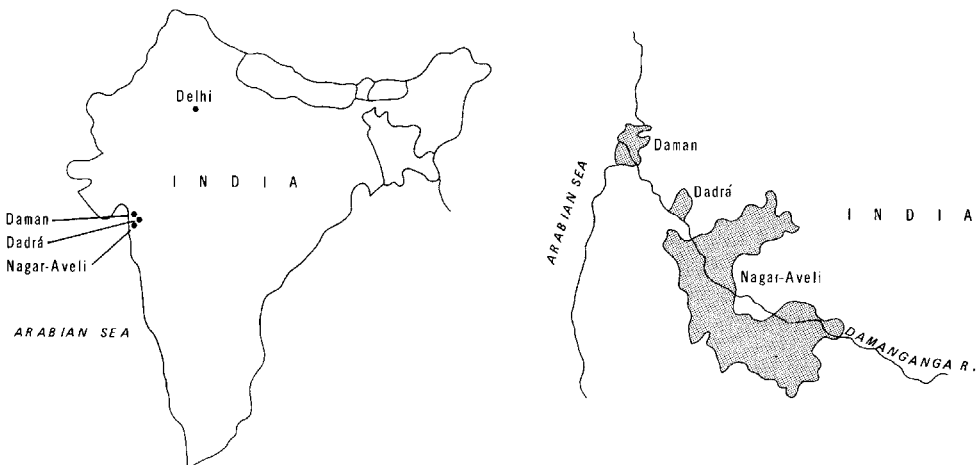
Our investigation of the old European exclaves and those situated in other parts of the world would appear to bear out our initial suspicion that exclaves are basically unstable phenomena and are part of a discernible trend leading to the consolidation of state territory and the absorption of foreign enclaved bodies. Unfortunately, the lack of detailed information about these outliers did not permit us to comment extensively on different factors contributing to this trend. In general, it appears that systematic variables outweighed indigenous factors in explicating their rise and fall.

IV. CONTEMPORARY EXCLAVES

Before this writer, no one had ever accurately pinpointed the number of exclaves and enclaves in the world. This failure was mainly due to the imprecision of most maps and the fact that some exclaves consist of several parcels of territory. At the present time, this investigator can account statistically for the existence of 255 complete exclaves and enclaves. Of course, this number does not include those *de jure* exclaves (such as Dadrá and Nagar-Aveli, two Portuguese pieces of territory land-locked in India, see figure 8) that have been physically annexed by the neighboring state and consequently no longer function today as true exclaves.

Although exclaves could at one time be found in practically all parts of the world, they continue to exist in only two regions: Western Europe and South Asia.

Figure 8



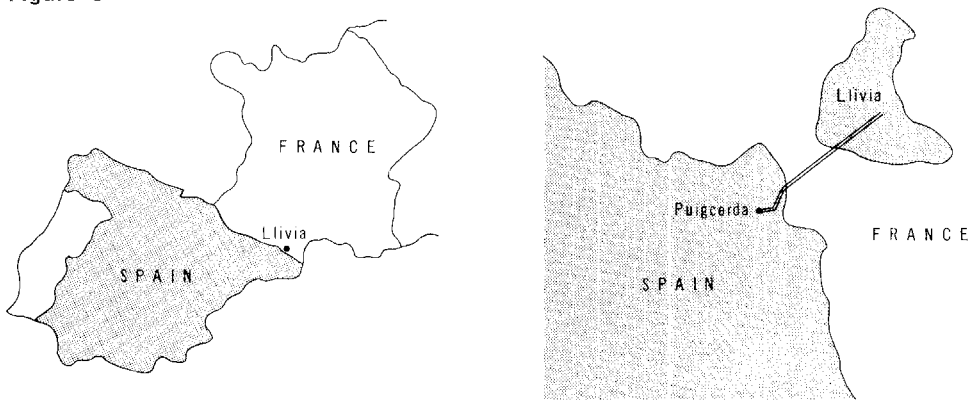
DADRÁ AND NAGAR-AVELI: PORTUGUESE "QUASI-EXCLAVES" IN INDIA

Western Europe

Altogether, there are forty-one exclaves situated in Europe, and all of these can be found in the western part. In essence, they can be boiled down to four problem areas :

Llivia (figure 9). This is a small Spanish tract of land, which lies in the *département* of Pyrénées-Orientales in the eastern Pyrenees of France. All told, the exclave possesses an area of 12.87 square kilometers, in which approximately 886 citizens (1972) are settled. Llivia is situated about twenty kilometers east of Andorra. Its communications with Spain are guaranteed by the existence of a so-called « *chemin neutre* » (neutral road), which traverses an intervening strip of French territory 1.8 kilometers wide.

Figure 9



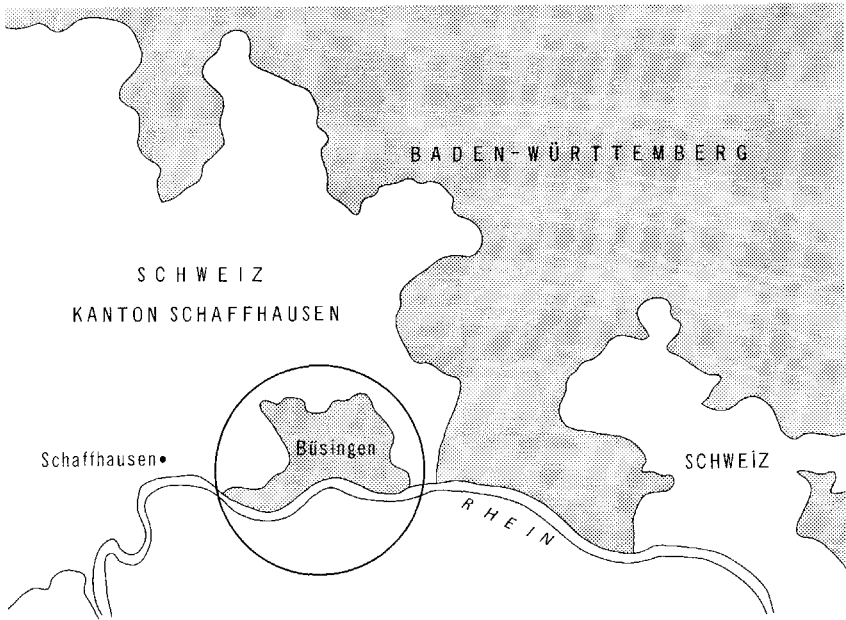
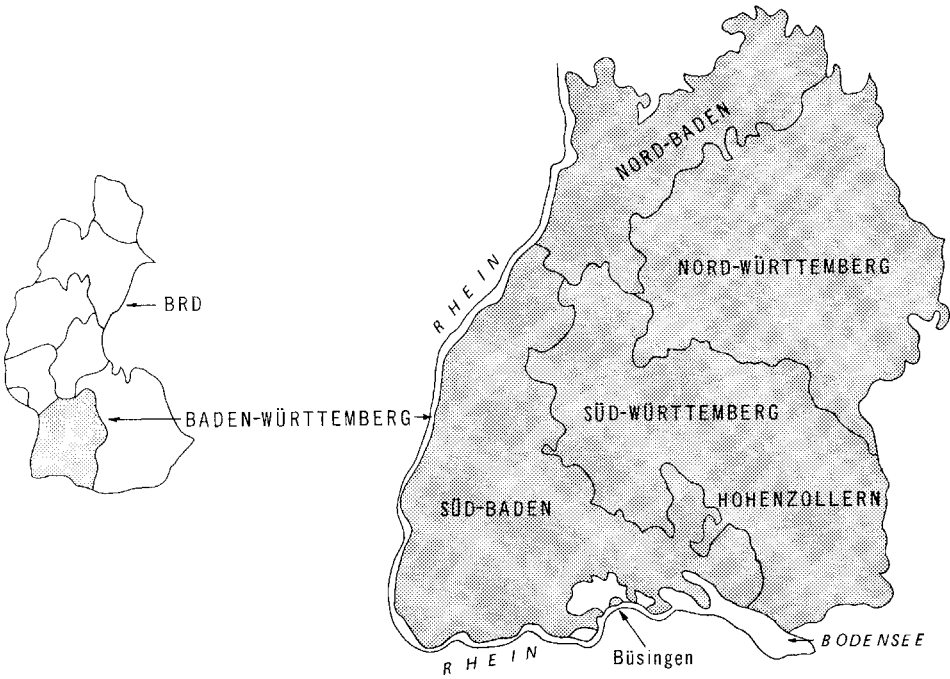
LLIVIA : A SPANISH EXCLAVE IN FRANCE

Büdingen (figure 10). This small parcel of West Germany is located in the *Kanton* of Schaffhausen in northern Switzerland. It is situated on the right bank of the Rhine River and has an area of 7.62 square kilometers. The population of the exclave totals 914 (1972), of whom some twenty percent are Swiss nationals. Ground access to Büdingen from the mainland is possible via two roadways, both of which lead through an intervening strip of Swiss territory between 700 and 1 500 meters wide.

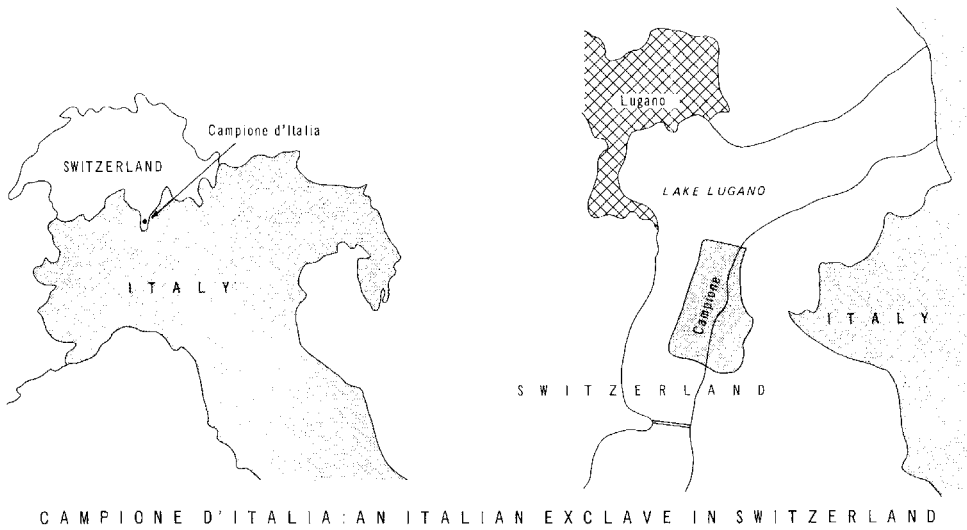
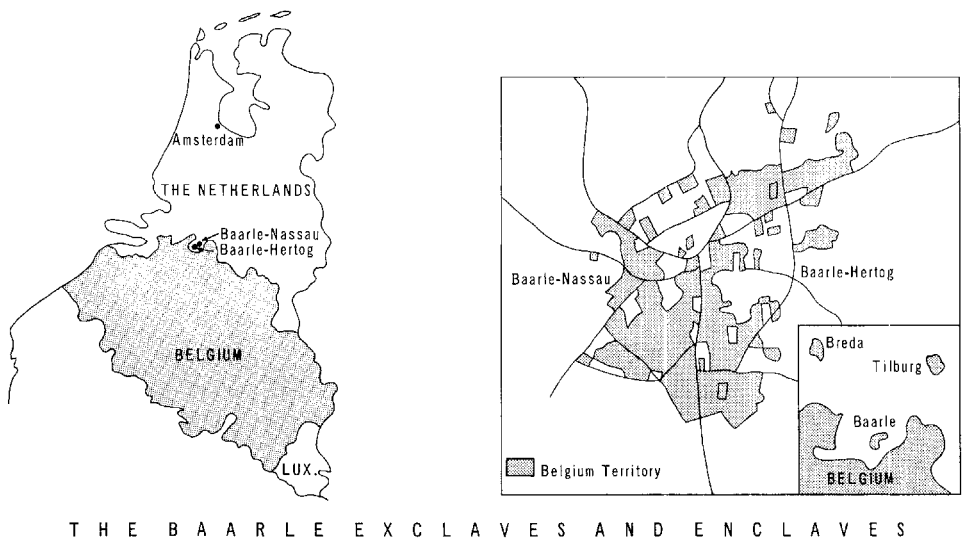
Campione d'Italia (figure 11). This is a famous resort, which is situated on the east bank of Lake Lugano in the *Kanton* of Tessin in southern Switzerland. It is a relatively tiny area, occupying exactly 2.6 square kilometers. Altogether, its population counts some 2 200 persons (1972), approximately thirty percent of whom are foreigners. The short roadway, linking Campione with the central state, lies across some 700 meters of Swiss territory.

The Baarle ex- and enclaves (figure 12). These scattered territories of various sizes and shapes comprise an extremely complicated, if little known, intermingling of Belgian and Dutch jurisdictions. Although most map

Figure 10



BÜSINGEN: A GERMAN EXCLAVE IN SWITZERLAND

Figure 11**Figure 12**

makers greatly simplify the situation by portraying only one tiny exclave of Belgium in Holland, there are in fact thirty-eight outliers altogether. Twenty-five are Belgian exclaves in the Netherlands, while eleven form Dutch enclosures in the Belgian exclaves; two are Dutch enclaves in Belgium proper. Most of these isolated plots of land are situated close together in the village of Baarle in the province of North Brabant in Holland. Those that belong to Belgium form the commune of Baarle-Nassau. Together these

ex- and enclaves consist of 7.25 square kilometers and have a population totalling 7 800 (1972).

South Asia

Those exclaves surviving today in Asia are of concern only to two countries : India and Bangla Desh.

India-Bangla Desh exclaves. Undoubtedly, the situation of 122 parcels of Indian territory in Bangla Desh and 92 splinters of Bangla Desh in India represents the most tangled intermingling of territory in the World. And the problem is compounded by the fact that three Indian enclaves are located within Bangla Desh exclaves in India and eighteen Bangla Desh outliers can be found inside Indian exclaves in Bangla Desh. In 1950, the Indian exclaves measured 20 957.07 acres (or 32.745 square miles) and had a population of some 13 000 ; whereas the outliers of Bangla Desh (formerly East Pakistan) in India embraced exactly 12 289.37 acres (or 19.202 square miles) and contained a population of about 11 000.

V. ORIGIN

Those exclaves that have survived through today do not have common origins. Each is the product of individual circumstances. Thirty-nine are of feudal origin (Campione, Baarle-Duc and Baarle-Nassau) ; and two have beginnings in the modern, post-Westphalia period (Büdingen and Llívia). The origin of the India-Bangla Desh exclaves is unclear.

Interestingly enough, only one exclave was created by accident. And that was Llívia ; this Spanish territory became enclaved in France in 1659 due to defective wording in the Treaty of the Pyrenees. At that time, thirty-three villages, comprising northern Cerdanya, were ceded to France. But Llívia was not included among those « villages » mentioned in the accord because, having served as the ancient capital of the Cerdanya, it had acquired the special status of a town (*villa*) rather than that of a village (*pueblo*).⁴³

If it had not been for an unfortunate incident in the late seventeenth century, Büdingen — like the surrounding Hegau region — would have eventually become incorporated by the City of Schaffhausen (now Swiss territory). As things were, the complete incorporation of Büdingen did not take place because of the so-called « first Büdingen affair. »⁴⁴ This controversy arose in 1694 over the bailiff Eberhard Im Thurn, who was accused

⁴³ For an excellent discussion of this point with reference to documents in French and Spanish archives see SANABRE, Josep (1960) *El Tractat dels Pirineus*. Barcelona, Spain, Editorial Barcino, pp. 88-90.

⁴⁴ This incident is described very well by WEINER, Otto (1938) *Büdingen am Hochrhein : Die reichsdeutsche Insel in der Schweiz*. Konstanz, W. Germany, Friedrich Stadler, pp. 46-74.

of offending the Reformed Religion and subsequently was incarcerated by the Council of Schaffhausen. Taken aback by this apparent violation of feudal and territorial rights, the Hapsburg Emperor Leopold I demanded immediate retribution and the release of the prisoners. When the Council refused to rescind its charge, the Emperor withdrew Büsingen from the city's jurisdiction in 1698. It has remained apart ever since.

Campione's status as an international exclave can be traced back to the eighth century when it first became church property. In 777 A.D., to be exact, the village and its lands were presented by the Lord of Campione to the Archbishop of Milan.⁴⁵ Through succeeding centuries the area remained under church jurisdiction and thus was able to escape annexation by Switzerland.

The curious intermingling of jurisdictions between Belgium and Holland is due to some highly involved medieval infighting. In the twelfth century, the Duke of Brabant transferred to the Lord of Breda a certain amount of territory to the south of Baarle (a town situated today in the province of Northern Brabant in Holland). The Duke, however, reserved for himself specific tracts of land held in unfree tenure by others. In this way, these scattered holdings never became part of the seigniorage of Breda.⁴⁶ This development also explains how the Belgian community enclaved in Holland got its name. Baarle-Duc (or Baarle-Hertog as it is called in Flemish) was part of those areas that remained « under the Duke » (*Baarle-onder den Hertoge*).

It is not known how long the South Asian exclaves existed before the British took over the Indian subcontinent.⁴⁷ According to one authority, there « were some anomalous enclaves resulting from the now almost forgotten war between rulers of Bengal. »⁴⁸ By the end of this conflict, soldiers of the Maharaja of Cooch Behar and his opponent, a vassal of the Mogul Emperor in Delhi, had penetrated deep inside each other's territory. Since the peace treaty ending the war was drawn up in such a way as to safeguard the honor of both parties and its terms did not call for mutual withdrawal, these occupied areas became outliers.⁴⁹

⁴⁵ See PEDRESCHI, Luigi (1957) L'exclave italiano in terra svizzera di Campione d'Italia. *Revista Geografica Italiana*, Vol. 64, p. 26.

⁴⁶ This complicated story is pieced together best by BREKELMANS, F. A. (1965) *De Belgische enclaves in Nederland*. Ph.D. Dissertation, Nijmegen, Holland, Faculty of Law, University of Nijmegen, pp. 24-47.

⁴⁷ Whether the native states had sufficient international status during the British period for these outliers to be considered true exclaves is unclear. But it would seem that they did. For instance, in the case of *Statham v. Statham* (1912), it was decided that the princely states of India possessed enough sovereignty to be immune from the jurisdiction of British courts.

⁴⁸ KARAN, Pradyumna P. (1966) The India-Pakistan Enclave Problem. *Professional Geographer*, Vol. 18, p. 23.

⁴⁹ *Ibid.*

VI. SURVIVAL

Perhaps more remarkable than the early existence of these exclaves is their survival through the present. For one might well have expected that out of so many changes in the political landscape something would have been done to terminate these anomalies. As things were, they survived because of the acquiescence of three parties : the parent state, the neighbor and the exclave itself.

Without doubt, the home country exercised the greatest influence in preserving the *status quo*. After all, although it did not function with appreciably less efficiency because a minute fraction of its jurisdiction lay detached in the territory of another, part of its domain and thus its sovereignty was symbolically at stake.

The principal threat to the survival of the exclave came from the surrounding state, which was not at all pleased with a situation that left a hole punctured in its territory. Take for example Swiss efforts at incorporation.⁵⁰ For centuries that country strove to gain control of Büsingen and Campione. But because the host state was not prepared to use force, no disenclavement was effected.

While the enclaving country is usually in a better position to agitate for change, exclave dwellers have occasionally done so. Again Campione and Büsingen may be used as illustrations. In 1848, the former pleaded for *Anschluss* with Switzerland. But this effort took place during a period of rebellion in the home state and so it was not taken seriously.⁵¹ The demands for absorption by Switzerland were more intense in Büsingen — especially during the inter-war period.⁵² But evidently the Swiss were reluctant to accept any annexation proposal out of fear that what had been taken from a weaker neighbor might well be reclaimed by a stronger one.

The desire to become part of the host state, however, does not seem to have been prevalent among exclave dwellers. In fact, it was the exception. The case of Llívia may be cited in this connection. On various occasions the French government has attempted to negotiate an end to the anomalous situation of a Spanish outlier within French boundaries. On one recent occasion the French were prepared to surrender to Spain their co-suzerainty over Andorra in exchange for the territory. But nothing ever came of this proposal mainly due to the outcry of enraged citizens of Llívia.

⁵⁰ For details see KRENZ, Frank E. (1961) *International Enclaves and Rights of Passage*. Ph. D. dissertation, Geneva, Switzerland, Graduate Institute of International Studies, pp. 55-56.

⁵¹ See BIANCHI, Angelo (1945) *Campione d'Italia nel diritto nazionale e internazionale*. Ph. D. Dissertation, Basel, Switzerland, Faculty of Law, University of Basel, pp. 29-30.

⁵² The most comprehensive treatment of attempts to incorporate Büsingen is contained in DAUM, Philipp (1964) *Die Exklave Büsingen von 1939-1964*. Büsingen/Singen, West Germany, J. A. Kugler, pp. 25-30.



Photo Henri DORION

Photo 1 The sign to the left appears contradictory. It indicates the Spain-Llivia boundary in opposite directions. In fact the photograph illustrates the crossing of a French road (left to right) and the road joining Spain to the enclave of Llivia (front to back). A barrier blocks access and another sign prohibits turning around.

According to Spanish sources, local inhabitants are ardently patriotic.⁵³ And when they heard of French efforts to incorporate them, they petitioned the Prince-Bishop of Urgel (formerly Spanish co-suzerain of Andorra). Re-affirming their loyalty to Spain, they pointed out to the Bishop that abolishment of a mere feudal right of suzerainty was not equitable exchange for the loss of actual *dominium*.⁵⁴

VII. ACCESS

The survival of so many exclaves today poses a number of complex problems for the countries directly involved. Probably no more acute is the controversial issue concerning the right of passage over foreign territory. For it is only across the territory of a neighbor that the exclave can maintain communication with the motherland.

The sole ground access to Llivia from Spain is safeguarded by the existence of a so-called « neutral road » (*chemin neutre*). Popularly called

⁵³ In response to an inquiry by this writer, the Spanish Ministry of Information and Tourism sent him an undated report describing Llivia from the Spanish viewpoint.

⁵⁴ See footnote #53.

the « Spanish » or « international » road, this thoroughfare consists of an asphalt country lane, approximately 1 600 meters long and 8 meters wide. Jurisdiction over this French-built roadway is completely in the hands of the host state, and it alone regulates access (photo 1).

In general, freedom of access to Llívia is very broad. The right of free and unhindered transit for private persons, civil authorities and goods in general is guaranteed by the treaties of 1660 and 1866.⁵⁵ Although no provision for the free transit of customs officials, police and soldiers is contained in these agreements, there is nothing in these accords to warrant the interpretation that since their unimpeded passage is not expressly mentioned this should be taken as reason to deny them access. In actual practice, these individuals appear to enjoy communication with the detached area unfettered by French controls.⁵⁶

Ground access to Büsingen from West Germany is possible by two different routes. The first and most direct connection is the Büsingen-Dörflingen/Loog-Gailingen roadway, which runs almost parallel to the Rhine River. The second, and more winding way, is the Büsingen/Neudörflingen-Randegg thoroughfare. Both of these accessways comprise modern, two-lane highways and traverse a strip of intervening Swiss territory between 700 and 1 500 meters wide.

Freedom of transit to and from Büsingen is extremely liberal. All categories of access are covered by the so-called « Büsingen State Treaty » of 1967.⁵⁷ While only the coming and going of exclave inhabitants is entirely free and unrestricted, German civil officers, customs and police also enjoy a right of access in limited numbers. With certain exceptions, the circulation of merchandise is subject to Swiss customs duties.

Campione can be reached from the Italian mainland either directly — across Lake Lugano — or more round about — overland. In the first case, a regular public shipping service, which docks at the exclave, provides the necessary water connection. In the second instance, a modern, two-lane roadway, passing over Swiss territory for less than half of a mile, forges the vital link by land (photo 2). Access procedures differ according to which route is chosen.

⁵⁵ The right of passage to Llívia and the specification of a particular route was established by the Treaty of Llívia, dated November 12, 1660. Its text is reproduced by VAST, Henri (ed.). *Collection de textes pour servir à l'étude et à l'enseignement de l'histoire : Les grands traités du règne Louis XIV.* Paris, Alphonse Picard, 1893-1899, Vol. I.

The right of access to Llívia was confirmed by the Treaty of Delimitation, dated May 26, 1866. For its text see BASDEVANT, J. (ed.) (1919) *Traité et Conventions en vigueur entre la France et les Puissances étrangères.* Paris, Vol. II.

⁵⁶ See RATON, Pierre (1958) Les enclaves. *Annuaire français de droit international*, Vol. 4, p. 192.

⁵⁷ The text of this treaty is contained in GÖTZ, Franz (ed) (1968) *Das Büsinger Vertragswerk.* Radolfzell, Switzerland, Huggle & Meurer KG.



Photo 2 *The enclave of Campione, squeezed between mountain and lake, is separated from the main part of Italy by the peaks shown in this photo.*

Communication by land is the most restricted of the two approaches to Campione. Only private persons and civil officials appear to enjoy unhampered overland contact with Italy. While the transit of Italian customs personnel and police is banned overland, these officials do not seem to have any trouble reaching the isolated community via Lake Lugano. The circulation of merchandise between Campione and the Italian mainland is in principle not free either way, since the outlier is treated as if it were part of the Swiss customs area. In no case is the movement of Italian troops between Campione and the home state tolerated by the Swiss.⁵⁸

Access to the widely dispersed Baarle ex- and enclaves is not a simple matter. And a distinction must be made between transit to the twenty-five Belgian parcels of land in Holland (Baarle-Duc) and passage to the thirteen Dutch outliers isolated in Belgian territory (Baarle-Nassau). For only in the former case does a specific link with the home country exist. This is the so-called « concessionary » road, maintained and regulated by the Netherlands. Approximately five meters wide, this thoroughfare consists of an undivided strip of asphalt, traversing some five kilometers of Dutch territory to the south.

⁵⁸ For details see BECKER, Hans (1931) *Die Rechtsverhältnisse an der Schweizer Grenze: Ein Beitrag zum nachbarlichen Völkerrecht*. Ph. D. Dissertation, Zürich, Switzerland, Faculty of Law and Political Science, University of Zürich, p. 22.

As regards transit to and from the Dutch exclaves of Baarle-Nassau, a further distinction must be made between contact with those eleven Dutch outliers situated inside Belgian enclosures in Holland and those two isolated fragments of the Netherlands lying in Belgium proper. In the first instance, it is practically impossible for Belgian authorities to regulate access due to the fantastic complexity of interlocking Belgian and Dutch domains (photos 3 and 4). While in the second, traffic can be identified and processed through the normal frontier control points.

In the main, contact with the Baarle ex- and enclaves is fairly broad and uninterrupted despite the lack of formal agreement between Belgium and Holland. Civilian traffic to and from the Baarles is completely free. The same is true concerning the movement of goods, customs personnel and police. However, the right of Belgian and Dutch soldiers to visit their respective exclaves is not recognized by either country.⁵⁹



Photo Henri DORION

Photo 3 *There is such confusion among the Belgian territories of Baarle-Hertog and the Dutch territories of Baarle-Nassau, that except for the house numbers which are marked on the little flags, the only indication of the country in which one is located is the streets paving stones. These are smaller and more regular in Holland, land of the bicycle.*

⁵⁹ For the Dutch view of access rights to the Belgian territories by Belgian personnel see Note du Ministère des Affaires étrangères des Pays-Bas à la Légation du Portugal à La Haye, dated May 4, 1956 in I.C.J. Pleadings (1960), *Case Concerning Right of Passage over Indian Territory*, Vol. I, p. 755.

For the Belgian view of access rights of Dutch personnel to the Dutch areas enclaved in the Belgian exclaves see Note du Ministère des Affaires étrangères et du Commerce extérieur de Belgique à l'Ambassade du Portugal à Bruxelles, dated July 3, 1956 in I.C.J. Pleadings (1960), *Case Concerning Right of Passage over Indian Territory*, Vol. I, p. 761.



Photo Henri DORION

Photo 4 *The vagaries of boundaries frequently affect toponymy. Baarle-Hertog, like Llivia, has an « enclave » bar.*

Detailed information about access provisions to enclaved areas in India and Bangla Desh is unavailable. But access arrangements are probably more liberal now than when Pakistan and India (two archenemies) confronted each other over the question.

When India and Pakistan were created out of British India in 1947, access was not a major problem. According to the Indo-Pakistani agreement of 1950, exclave dwellers as well as outsiders enjoyed free access over intervening foreign territory. But then, on October 15, 1952, Pakistan discontinued the free transit arrangement and unilaterally introduced a passport-cum visa system of travel.⁶⁰ Thereafter, local residents were required to show their passports and special transit visas at each coming and going. Government and customs officials as well as police and troop units of the two hostile states were absolutely barred from entering the exclaves.

To sum it up, all the evidence before us points in one indisputable direction: to a general right of passage into exclaves. While this right of way is by no means absolute — and practices vary from locality to locality — the contemporary experience shows that at least the ordinary resident enjoys free, if not unrestricted access.

⁶⁰ KARAN, P. P. (1966) The India-Pakistan Enclave Problem. *Professional Geographer*, Vol. 18, p. 23.

Such a generally accepted right of passage has important implications for exclave stability. On the one hand, it represents a crucial accommodation by home and host states in favor of the former. A potentially explosive situation is defused and a basis for harmonious relations is established. On the other hand, the right of access becomes merged with the right of the exclave to continue to exist. In this way, a certain amount of legitimacy is bestowed on the discontinuous territory.

VIII. ADMINISTRATION

Despite the barrier of geographic separation, administrative ties between the possessing state and the exclave are usually quite close. In fact, although the outlier has shown a degree of autonomy in some areas, it seems that the central state has gone out of its way to meet the administrative needs of the exclave and make it conform with the administrative pattern of the mainland. The most extreme example of this policy can be seen at Baarle; there practically every public service and every branch of administration is duplicated right down to letter boxes in the streets. This has all taken place because the surrounding country tends to tolerate (if not facilitate) the exercise of civil authority by the parent state.

In Western Europe, the chief link between the home state and the exclave is the local mayor. Not usually an elected representative, he is the chief administrative officer of the area. And his authority is considerable. For in his limited « foreign policy » making role he is charged with delicately balancing the interests of three parties.

To help him handle routine problems, each burgomaster has a professional staff at his disposal. For the most part, his circle of advisers is small, barely a handful. The major exception is the mayor of Baarle-Nassau, who has some twenty-four assistants.⁶¹ It is not unusual for many of these personnel to be composed of exclave dwellers.

As a rule, residents are subject to the laws and ordinances of the national state as well as its administration of justice. The major exception is Büsingen, where inhabitants possess the same legal rights and immunities as ordinary Swiss citizens and may be tried in Swiss courts.⁶² Due to the relatively small size of these territories, jails and courts are not found in them but on the mainland.

All the European exclaves have their own police force. Generally, they are token in number, however, not exceeding ten officials. Büsingen, which is allowed up to twenty-seven men at present, is the only deviation from

⁶¹ Interview with Baarle-Nassau official.

⁶² Article 15 of the Treaty of Büsingen in GÖTZ, Franz (ed.) (1968) *Das Büsinger Vertragswerk*. Radolfzell, Switzerland, Huggel & Meurer KG, pp. 118-119.

this rule.⁶³ In every case, law enforcement officials are empowered to make arrests and otherwise maintain law and order.

The administrative bond is not so strong when it comes to the collection of taxes. Although direct taxes are always paid to the mother country, indirect taxes are another matter. In at least two instances (Büdingen and Campione), local people pay them to the neighbor.

Every European exclave but one enjoys its own postal, telephone and telegraph services, although arrangements differ according to locality. The single exception is Llívia, which has its own postal and telephone system but lacks telegraph facilities.⁶⁴

Remoteness seems to pose a special problem for the home state in regard to the administration of utility services. For it provides them in only one case (Llívia). In every other instance, utility services are supplied without interruption by the surrounding country.

Public transportation is entirely supervised by the parent state except for those exclaves situated behind the Swiss customs fence. In this respect, the bus appears to represent the most important means of getting back and forth; all European exclaves maintain a regularly scheduled line. But Büdingen and Campione are the only ones which also enjoy a public shipping service.

Further, we discover that all the European exclaves possess their own public schools. Generally, these facilities provide area children with the opportunity to pursue both primary and secondary education. However, for higher education, exclave dwellers must go to the home state, although in certain cases they may matriculate at a university in the host state, where they are treated on an equal basis.

The fact that the exclave usually enjoys close administrative ties with the mainland has important ramifications for *status quo* maintenance. First, this easy relationship provides a useful framework in which the inevitable administrative problems posed by difficult geographical circumstances may be overcome. This in turn leads to greatly reduced potential areas of conflict with the host state, which is punctured by the outlier.

Second, because the organs of the possessing country are made to function in the detached area, law and order can be maintained. This capacity to enforce its will in the territory is one of the most important requisites for the maintenance of sovereignty over it. Anytime effective control is absent, secession is a real possibility.⁶⁵

⁶³ Article 32 of the Treaty of Büdingen, *opus cit.*, p. 125.

⁶⁴ Private communication, Spanish Embassy in Bonn to writer, May 18, 1973.

⁶⁵ This point was publicly demonstrated in March 1965, when rioting broke out in Dahagram, a tiny exclave cut off from East Pakistan (now Bangla Desh) by a narrow strip of Indian territory. Pakistan dispatched police to the area, but India refused to permit them to pass. See *India News*, March 26, 1965.

Finally, close administrative ties strengthen the physical security of the exclave. The territory becomes closely identified with the national state and any attempt by the neighbor to alter the *status quo* must take its military capability into serious consideration.

IX. ECONOMY

Theoretically, the exclave is faced with three major alternatives in the economic sphere : (a) it can choose to pursue ties with the mainland and hope that the neighbor will acquiesce ; (b) it can opt for economic assimilation with the host state ; or (c) it can attempt to strike out on an independent course. The first choice has all the advantages of conformity, while the second alternative dispenses with obstacles posed by distance. The last possibility is without doubt the most risky, for it involves a degree of defiance of parent and surrounding countries that neither is likely to tolerate from such a puny jurisdiction.

Our investigation indicates that it is normal for exclaves to be treated as integral parts of the economy of the home state. Thus they are provisioned by it, belong to its customs territory, and its currency is official. A typical example is the Spanish exclave of Llívia. Economically, it is oriented toward the motherland, and the *peseta* is the official currency there. Because of its close economic ties with Spain, Llívia — unlike surrounding France — remains outside the Common Market.⁶⁶

But some exclaves have followed the opposite line of development, becoming closely assimilated with the enclaving country. Two notable examples are Büsingen and Campione, which fall behind the Swiss customs fence. Remoteness and difficult access to markets in the national state have driven them into the arms of neighboring Schaffhausen, respectively Lugano. And Germany and Italy have never been successful in re-orienting their economy.

Falling between extremes are the Baarle ex- and enclaves. Though they are supplied from Belgium and Holland respectively, area residents buy retail from either source and both currencies are allowed to circulate freely.

Whatever economic orientation exclaves have taken, they partake in diverse income producing activities. Often these differ radically from those on the mainland. But in each case exclaves have adopted them to remedy disadvantages stemming from encirclement.

Traditionally, the major form of economic activity has centered around agriculture. In this respect, crop raising and animal husbandry were popular

⁶⁶ Information obtained in Llívia, August 1972.

pursuits. However, in all but the Indo-Bangla Desh exclaves, farming is now of diminishing importance.

Surprisingly, industry has not taken up the slack. True, many inhabitants are employed in neighboring industrial centers. But contrary to the situation in the home state, industry plays no great role in the economic life of the exclave.

Most of the West European exclaves derive a considerable portion of their revenue from the tourist trade. Two lie in regions particularly noted for their beauty, and consequently have a compelling natural attractiveness. Campione is situated on wonderfully picturesque Lake Lugano, whereas Llívia lies in a splendid valley in the Pyrenees.

Some of those exclaves that are located in unexciting environments have managed to exploit their political uniqueness to turn a profit. The Baarle ex- and enclaves, which consistently attract large numbers of tourists, are a good example. However, it is not entirely clear which is the greater drawing card: the craziness of the place or the shopping advantages.

For the most part, gambling has not been exploited by exclaves. The major exceptions are Campione and Baarle-Duc. In the former instance, a luxurious casino is the center of attraction, whereas in the latter, games of chance provide the fragmented community with a regular income from licenses.

As one might suspect, smuggling plays an important role in the economic life of some exclaves. This is particularly true of the Baarle ex- and enclaves, where almost all inhabitants are active in one way or another. Although no statistical data are available, local authorities attribute most smuggling activities to small-scale backyard dealings. But so difficult is this clandestine activity to control that unless there is flagrant provocation the police tend to look the other way.⁶⁷

What implications does the local economic situation hold for exclave stability? Just this: The once acute economic problems posed by isolation have been resolved to such an extent that annexation by the host state is no longer the subject of serious consideration. Nowhere is this more evident than in the case of Büsingen, which for years existed in a kind of economic limbo, completely dependent on the help of variable and uncertain Swiss customs concessions. During this period of uncertainty the incidence of instability was high as various proposals were handed back and forth for the termination of this unprofitable situation.⁶⁸ But now that a treaty has been signed, providing for economic union with the host state, all desire to disenclave the area seems to have died down.

⁶⁷ Information supplied this writer in Baarle, August 1972.

⁶⁸ See DAUM, Philip (1964) *Die Exklave Büsingen von 1939-1964*. Büsingen/Singen, W. Germany, J. A. Kugler, pp. 25-30.

X. OUTLOOK FOR THE FUTURE

As we have seen from our historical research, there is evidence lending support to our contention that exclaves are basically unstable phenomena and are part of a discernible trend leading to the consolidation of state territory and the absorption of foreign enclaved bodies. Nevertheless, support for these hypotheses must be qualified to the extent that the lack of detailed information prevented us from analysing these phenomena more rigorously.

Further, if these propositions were once descriptive of political reality, they no longer seem to apply — at least not to those exclaves presently embedded in Western Europe. There are several reasons of a systemic and indigenous character for this.

In the first category, the degree of instability of the historical European exclaves appears related to general instability of the times. Most important here is the fact that war was then an accepted and legal means of policy fulfillment, and sovereignty was personal. These two factors accounted for frequent, if not radical changes in the political landscape. Today, the situation is quite different. Peace prevails and has for the last twenty-eight years in Western Europe. Moreover, the concept of sovereignty has evolved to such an extent that it is now largely associated with the independence of states.

Other exogenous factors relating to exclave stability include the increasing respect for national boundaries which has occurred in Europe since the end of World War II. Generally, recognition of the territorial *status quo* has taken place in the context of intensifying economic and political cooperation.

This new state of affairs brings us to another systemic element relevant to exclave stability in Europe: the existence of a generally cordial atmosphere in relations between home and host countries. Such a setting makes it highly unlikely that a European state would provoke a major confrontation over a foreign enclaved body embedded in its territory.

Lastly, as far as exogenous factors are concerned, exclave stability is not unrelated to the status of these outliers as low-salience phenomena. All are very small; and military significance is limited.

In the second category, a searching examination of the local scene has revealed the operation of important indigenous elements which tend to reinforce a somewhat untidy though regularized *status quo*. First, the crucial question of access has been resolved successfully. While the right of transit is by no means absolute, at least the ordinary resident enjoys free, if not unregulated, passage. Second, it has been shown that despite the barrier of separation administrative ties between the possessing state and the exclave are quite close. Undoubtedly, our most startling finding is the degree to which the home state facilitates these ties. Third, grave economic problems stemming from isolation have been resolved to the mutual satisfaction of all parties. Indeed, extreme geographic position — what was once a distinct economic liability — has in some cases been transformed into a source of

immense profit through tourist promotion. If only for these reasons then, the individual and collective futures of these areas now seem secure.

RÉSUMÉ

CATUDAL, Honoré M. : Exclaves

Les problèmes soulevés par la fragmentation territoriale sont particulièrement aigus dans les cas où une portion d'un État est complètement entourée par un autre État. Car l'exclave ou l'enclave — selon le point de vue sous lequel on se place — perturbe le fonctionnement interne du pays environnant en constituant un trou dans celui-ci et par ailleurs crée des difficultés pour l'État qui l'administre.

Bien que l'existence des exclaves et enclaves soit peu connue, il ne s'agit pas d'un phénomène rare. En fait, on compte deux fois plus d'exclaves (enclaves) dans le monde que d'États.

Ces territoires extraordinaires sont plutôt petits pour la plupart, et ne possèdent pas de populations très importantes. Ils sont constitués en majorité d'un seul village et de ses terres adjacentes : zones agricoles et petits jardins. Tous sont situés relativement près de la « mère patrie ».

Il est reconnu que le caractère minuscule de ces zones séparées et leur absence de rôle stratégique limite leur valeur militaire et politique. Néanmoins, elles font ressortir des problèmes de fragmentation territoriale et l'importance de la continuité territoriale. De plus, le traitement qui leur est accordé par les États comporte des implications importantes pour les chercheurs qui se demandent si oui ou non la « territorialité » des nations-états est vouée à disparaître.

MOTS-CLÉS : Géographie politique, frontières, exclaves, enclaves, territorialité.

ABSTRACT

CATUDAL, Honoré M. : Exclaves

The problems raised by territorial fragmentation are perhaps nowhere more acute in instances where a portion of one state, completely surrounded by another, is found to exist. For the exclave or enclave — depending upon one's point of view — disturbs the internal functioning of the surrounding country by, as it were, puncturing a hole in its territory and creates difficulties as well for the administering state.

Although the existence of exclaves and enclaves is little known, they are not uncommon phenomena. In fact, there are almost twice the number of exclaves (enclaves) in the world as states.

For the most part, these extraordinary territories are rather small, and they do not have large populations. They consist to a great extent of single villages and adjacent lands, farm areas and tiny garden plots. All are situated relatively near to the «mother-land».

It is recognized that the very diminutiveness of these disconnected areas and their lack of strategic significance limits their military and political value. Nevertheless, they do point up the problems of territorial fragmentation and the importance of territorial continuity. Moreover, the way in which states treat them has important implications for those scholars who debate whether or not the « territoriality » of the nation-state is bound to vanish.

KEY WORDS : Political Geography, Boundaries, Exclaves, Enclaves, Territoriality.